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- ART. VIII. — 1. *Our Convicts*. By MARY CARPENTER. London: Longman, Brown, Longmans, Roberts, and Green. 1864. Boston: W. V. Spencer. 1865. 2 vols. 8vo.
2. VAN DER BRUGGHEN. *Études sur le Système Pénitentiaire Irlandais. Revu après la Mort de l'Auteur, et accompagné d'une Préface et d'un Appendice*. Par FR. DE HOLTZENDORFF, Professeur à l'Université de Berlin. Berlin: Librairie Luederitz. A. Charisius. 1865.
3. *Kritische Untersuchungen über die Grundsätze und Ergebnisse des irischen Strafvollzuges*. Von DR. FRANZ VON HOLTZENDORFF, Professor an der Königl. Universität zu Berlin. Berlin: C. G. Lüderitz'sche Verlagsbuchhandlung. A. Charisius. 1865.

THE North American Review from 1833 to 1848 cannot be charged with neglecting the question of Prison Discipline. Within that period the works of Tocqueville, Lieber; Lucas, Livingston, Howe, Gray, and others, were reviewed in these pages, and full justice was done to the controversy between the Philadelphia and the Auburn systems. But of late years the subject has not been discussed in this Review, and has not received, indeed, throughout the country, the attention which it deserves. There is, however, one good result arising from the long neglect in which the prison question has lain in America; it is possible, without renewing the old battles, to treat the reformation of convicts on new grounds, according to the light which European experience has thrown upon it since our countrymen ceased to concern themselves much about the matter. The strife is no longer between Separate and Congregate systems; Auburn and Philadelphia are insignificant now in comparison with Norfolk Island, Valencia, and Dublin; it is the Irish system which now excites to controversy the practical Anglo-Saxon, the phlegmatic Dutchman, and the philosophic German. Livingston and Tocqueville have given place to Maconochie and Crofton, Crawford to Miss Carpenter, Julius to Holtzendorff, and Lucas to Bonneville de Marsangy.

It is not without mortification that an American learns this altered state of things, and perceives how little share his own

country has had in a movement so important. There was a time when the American penitentiaries were visited from all quarters of the civilized world, and the authority of our writers decided questions of prison discipline in Europe. But who now cites our example or quotes our authors? And it must be confessed that we deserve the neglect into which we have fallen, if we did not quite deserve the consideration in which we were once held. It is time for us to acknowledge, that in matters of social science we are far behind our European contemporaries; that they understand better than we the subjects of crime and pauperism, of finance and sanitary reform; and that they are fast gaining upon us in respect of popular education, in which we are still in advance. And having made this acknowledgment, it is for us to see to it that this reproach — so far as it is one — does not continue. The American Social Science Association has not been organized a day too soon.

While the conflict was hottest here between Auburn and Philadelphia, say from 1845 to 1849, a gray-haired enthusiast in England was publishing, in cheap tracts, a new theory of prison discipline, which has already greatly modified, and seems destined ultimately to supersede, both the *Separate System* of Philadelphia and Pentonville, and the *Congregate System* of Auburn and Charlestown. The career of Captain Maconochie was so remarkable, and is so little known in this country, that we shall be excused for dwelling upon it at some length. Lord Meadowbank and Sir Alexander Cochrane were men of note in Scotland half a century ago; the latter, indeed, made himself conspicuous at Washington about that time, and was famous in every sea where the British navy appeared, to insult or to protect. But it is doubtful if they are now so celebrated, and certain that they will not be in the next generation, as their young kinsman, Alexander Maconochie. He, too, was a canny Scot, born near Edinburgh in 1787, and at first, under Lord Meadowbank's inspiration, destined for the profession of law. But the advice of the naval kinsman, together with the glory of his exploits, prevailed on the lad to follow Captain Cochrane to sea. He served under him in the West Indies, where, for the first and last time, the young midshipman saw

Nelson, who was soon to die at Trafalgar. He served also in European waters, and in 1810, when returning home from a cruise in the Baltic Sea, was shipwrecked on the coast of Holland. From Holland he went as a prisoner to Verdun in France, where he lay in confinement for nearly three years, until the fall of Napoleon set him free. It was this experience of prison life, no doubt, which made him so thoroughly acquainted with the habits and dangers of prisoners, as he afterwards showed himself to be at Norfolk Island and Birmingham.

In 1814 Captain Maconochie was present with his kinsman, Admiral Cochrane, at the capture of Washington, and afterwards shared in the defeat at New Orleans, where he commanded a brigade of gunboats. In 1815, while lying in the harbor of Quebec, he had occasion to try an experiment in discipline among his men, which he afterwards carried out on a larger scale at Norfolk Island, — the plan of making each member of a watch or gang of sailors responsible for the whole number. It succeeded, as it always will succeed, in the hands of a good commander.

At the close of the Waterloo campaign Captain Maconochie returned to Scotland, where he married a lady of some fortune, and lived for a while as a farmer near Edinburgh. Some time about 1830 he removed to London, where he found some of his old friends of the naval service, — among them, Sir John Barrow and Sir John Franklin, — with whom he became associated in the Royal Geographical Society, of which he was for a time the Secretary. A few years later Sir John Franklin was appointed Governor of Van Diemen's Land, and invited Maconochie to accompany him as his secretary. The invitation was accepted, and in 1836 the great explorer and the great reformer of prisons sailed for their new home. Previous to his departure, however, Captain Maconochie had been requested by the Prison Discipline Society to correspond with them on the subject of the Colonial Convict System ; and also directed by Sir George Grey, then Under-Secretary of State for the Colonies, to furnish information on the same subject to the government, which was then investigating it.

It was this circumstance which turned Maconochie's clear

and sagacious mind to the consideration of Prison Discipline, of which before he had scarcely thought. The revelations which he made, through Sir George Grey, to Parliament, and by certain publications in Australia, exhibited the whole atrocity of transportation and the colonial penal system, and led to salutary reforms; but their immediate consequence was to make him odious to the colonial residents, and to deprive him of his office. From September, 1838, to January, 1840, he was without public employment; at the latter period he was appointed Governor of Norfolk Island, a notorious penal station in the South Sea, about nine hundred miles east of New Zealand. His able reports to the government, while they had offended some members, had convinced others that he was worthy to be trusted with power to make an experiment according to his own theories, and hence his appointment. Among those who approved — let it be said to his honor — was the present Earl Russell.

The conclusion to which Captain Maconochie had come while exploring the iniquities of Van Diemen's Land, in 1837, was similar to that which the good sense of Archbishop Whately had reached a few years earlier. In a letter to Earl Grey, Whately said:—

“The best plan, as it appears to me, would be, instead of sentencing men to imprisonment for a certain time, to sentence them to render a certain amount of labor. A fixed daily task may be imposed on them, but with power to exceed this at their own discretion, thereby shortening their period of detention. The effect would be, not only that criminals would thus acquire habits of labor, but of attaching an agreeable idea to labor. By each additional step they took on the treadmill, they would be walking out of prison; by each additional cut of the spade, they would be cutting a way to return to society.”*

This idea (although Whately's expression of it was unknown to Maconochie) was the germ of the Work System, which, in connection with the moral appliances used, produced such remarkable results at Norfolk Island from 1840 to 1844; and which, in Ireland, under the administration of Sir Walter Crofton, has made the prisons of that country renowned for

* See two letters to Earl Grey, published in 1832 and 1834. The same idea had been expressed by Whately in the *London Review* in 1829.

their success in reforming criminals. Let us, then, consider it a little more in detail.

We cite from a Report by a Committee of the Law Amendment Society upon Captain Maconochie's writings, drawn up in 1846, when time and four years' practical experience had matured, and in some degree modified, his views.

"1. Captain Maconochie's plan had its origin in his experience of the evil tendency of sentences for a time certain, and of fixed gratuitous gaol rations of food. These he practically found opposed to the reformation of the criminal. A man under a time-sentence looks exclusively to the means of beguiling that time. He is thereby led to evade labor, and to seek opportunities of personal gratification, obtained, in extreme cases, even in ways most horrible. His powers of deception are sharpened for the purpose; and even when unable to offend in act, he seeks in fancy a gratification by gloating over impure images. At the best his life stagnates, no proper object of pursuit being presented to his thoughts; and the allotment of fixed gratuitous rations, irrespective of conduct or exertion, further aggravates the evil, by removing even the minor stimulus to action furnished by the necessity of procuring food, and by thus directly fostering those habits of improvidence, which, perhaps even more than determined vice, lead to crime.

"2. In lieu of sentences to imprisonment or transportation measured thus by months, or years, Captain Maconochie recommends sentences to an amount of labor, measured by a given number of marks, to be placed to the debit of the convict in books to be kept for the purpose; this debit to be from time to time further augmented by charges, made in the same currency, for all supplies of food and clothing, and by any fines which may be imposed for misconduct. The duration of his sentence will thus be made to depend on three circumstances:—First, the gravity of the original offence, or the estimate made by the judge of the amount of discipline which the criminal ought to undergo before he is restored to liberty: this regulates the amount of original debit. Second, the zeal, industry, and effectiveness of his labor in the works allotted to him, which furnishes him with the means of payment, or of adding from time to time to the credit side of his account. And third, his conduct in confinement. If well conducted he will avoid fines; and if economical in food, and such other gratification as he is permitted to purchase with his marks, he will keep down the amount of his debits.

"3. By these means Captain Maconochie contends that a term of imprisonment may be brought to bear a close resemblance to adversity in ordinary life, which, being deeply felt, is carefully shunned; but

which, nevertheless, when encountered in a manful spirit, improves and elevates the character. All the objects of punishment will be thus attained. There will be continued destitution unless relief is sought by exertion, and hence there will be labor and suffering; but with exertion there will not only be the hope, but the certainty, of recovery, whence there will be improvement in good habits and right thinking. And the motives put into operation to produce effort and economy, being also of the same character as those existing in ordinary life, will advantageously prepare the prisoner for their wholesome action on him after his discharge.

"4. . . . After the prisoner has passed through a term of probation, to be measured, not by lapse of time, but by his conduct as indicated by the state of his account, he shall be advanced from a separate confinement into a social state. For this purpose he shall become a member of a small class of six or eight (associated by mutual consent); these classes being capable of being separated from each other just as individuals are separated from individuals in the earlier stage. The members of each class to have a common interest; the marks earned or lost by each to count to the gain or loss of his party, not of himself exclusively. By this means Captain Maconochie thinks prisoners will be rescued from the simply gregarious state of existence, which is, in truth, a selfish one, now incident to imprisonment in those jails to which the Separate System is not applied, and will be raised into a social existence.

"Captain Maconochie is convinced, by observation, that much good feeling will be elicited among them in consequence of this change. Indolence and vice, which either prevent the prisoner from earning, or compel him to forfeit his marks, will become unpopular in the community, and industry and good conduct, as enabling him to acquire and preserve them, will, on the contrary, obtain for him its approbation. On much experience he asserts that no portion of his *modus operandi* is more effective than this, by which, even in the depraved community of Norfolk Island, he succeeded, in a wonderfully short time, in giving an upward direction to the public opinion of the class of prisoners themselves."

To this detailed statement, much of which is in Maconochie's own words, we will add the briefer synopsis and the comments made by the Parliamentary Commission of 1863, about three years after the death of the aged reformer.

"The experience both of this and of other countries has demonstrated that it is impossible to compel convicts to work hard by mere

coercion ; the attempt to do so having invariably failed, while it has produced a brutalizing effect on their minds, and increased their previous aversion to labor. On this ground, the late Captain Maconochie, many years ago, recommended that the punishment to be inflicted upon criminals should be measured, not by time, but by the amount of labor they should be compelled to perform before regaining their freedom ; and he devised an ingenious mode of recording their daily industry by marks, for the purpose of determining when they should have a right to their discharge. This proposal met with so much approval from the government of the day, that Captain Maconochie was sent to Norfolk Island for the purpose of trying the system he had recommended in the management of the convicts detained there. The experiment did not succeed, for reasons which were sufficiently obvious, but into which we need not now enter. *The failure, however, did not afford any reason for condemning the principle upon which the scheme was founded ; and in fact, that principle has been adopted, to a greater or less extent, in all the various schemes of penal discipline which have been tried in the last twenty-five years.* The result has been to establish the conclusion, that the hope of earning some remission of their punishment is the most powerful incentive to good conduct and industry which can be brought to act upon the minds of prisoners."

Such was the system which, in part, was carried out at Norfolk Island, where Captain Maconochie, accompanied by his devoted wife, arrived on the 6th of March, 1840. The state of things which he found there has often been described, yet it will be new to many of our readers. On an almost inaccessible island, fifteen miles in circumference, were collected about fourteen hundred prisoners, the offscouring of Botany Bay and Van Diemen's Land. By one or another of this wretched multitude every conceivable crime had been committed, and the punishment here inflicted was almost inconceivably horrid. It was the old brutal system of prison management, reduced to its lowest terms. By day the men were driven to labor by officers who treated them with every species of insult, and who never dared to approach them unarmed. By night they were huddled together in vile barracks, where every abomination was practised without restraint. For punishment, they were heavily ironed, and flogged in a manner only to be paralleled on a cotton plantation in the days of "the Union as it was." Mrs. Maconochie relates, that two men, Burns and Docherty, had

each, in the space of eighteen months, received twenty-two hundred lashes, and had been imprisoned for twelve months, part of the time in irons in a damp cell. The food of all, nauseous in quality, was thrown to them as to dogs, and they were compelled to eat it without knives or forks, and to drink out of water-buckets. Only a part of them could get shelter during their meals; the rest stood exposed to sun and rain, in an open yard. Every vestige of self-respect was gradually obliterated from their minds. "Let a man be what he will when he comes here," said one of them, "he will soon be as bad as the rest; *a man's heart is taken from him, and there is given him the heart of a beast.*" When, after a terrible mutiny, a large number had been convicted, and were expecting sentence of death, Dr. Ullathorne, a compassionate clergyman, went among them, carrying the reprieve of all but a few. It was a strange and horrible scene; for, as he pronounced the names of those who were to die, each man, in turn, fell on his knees and thanked God that he was to be delivered from this hell upon earth.

To men thus circumstanced, Captain Maconochie, at the age of fifty-three, was sent to try the effect of his new theories. The men certainly were not selected with a view to the success of the trial, nor was he a young *doctrinaire*, full of visionary hopes and endeavors. His first address to them has been described by an eyewitness of the effect which it produced. The ferocious countenances of the men scarcely softened as they looked upon the benevolent aspect of the old seaman. But his voice and manner drew their attention; for they heard, for the first time in many years, the tones of sympathy and human interest from one above them. Before he ended, many were in tears, and he had secured their good-will for his first efforts. This was strengthened when they noticed that he went among them unarmed, without fear, and dismounted the small cannon that had guarded the Governor's house. Courage and self-devotion make their impression even upon the most depraved. To these, and to the good sense which marked his plans for their improvement, must be ascribed his great success in governing and reforming. To quote his own words, which do not too strongly present the remarkable fact,—

“I found the island a turbulent, brutal hell, and I left it a peaceful, well-ordered community. Almost the first words of Sir George Gipps’s Report on it (in spite of some strong previous impressions in his mind against my plans) are: ‘Notwithstanding that my arrival was altogether unexpected, I found good order everywhere to prevail, and the demeanor of the prisoners to be respectful and quiet.’ Besides this, the most complete security, alike of person and property, prevailed. Officers, women, and children traversed the island everywhere without fear; and huts, gardens, stock-yards, and growing crops — many of them, as of fruit, most tempting — were scattered in every corner without molestation. I confess that I have since looked back even with wonder at the scene, familiar as it then was to me. There were flaws in the picture, doubtless, but they were fewer and more minute than, without tracing the causes, may easily be believed.”

In consequence of official misrepresentation, and the strong opposition of the colonial magistrates, Captain Maconochie was recalled in 1844, and for five years exerted himself in a private capacity, in England, to bring into notice his system of Prison Discipline. It was during this period that he published many of his pamphlets. He also appeared before committees of Parliament, appealed to ministers and magistrates, and in all ways urged the reform that was so dear to him. In 1849 he was appointed (chiefly through the influence of his fast friend, Mr. M. D. Hill, the Recorder of Birmingham) to the post of Governor of the Birmingham Gaol, from which he was displaced in 1851 by the visiting magistrates, who did not believe in his system. In both instances his successors became a public scandal for the atrocity of their government; and the mild and reasonable sway of Maconochie stood approved by its results, as compared with those of the old method. But it was not till 1855 that a fair trial was actually made of the most important of his theories, and then by men who worked without his supervision, and in another country; and he died (October 25, 1860) before the results of that trial were fully declared to the world. The Irish Convict System, though established by Sir Walter Crofton, was really founded by Captain Maconochie, whose theories and experiments were prior to those of any other advocates of the new method. But of this more hereafter.

On the continent of Europe, in the mean time, the progress of the Separate System had been steady, if not rapid, and it had found warm defenders and official support in France, Belgium, Holland, Sweden, Denmark, Prussia, and several of the smaller German States. The great names of Tocqueville, Ducpétiaux, and Mittermaier were registered among its champions; and although Obermaier in Munich, and Montesinos in Valencia, were giving successful illustrations of the Congregate System, these had little weight. But in 1847 a voice was heard in France proclaiming a portion of that truth of which Maconochie, in Australasia, had proclaimed the supplementary portion. Bonneville de Marsangy, for many years a magistrate, and an author as early as 1837, in the year 1847 published in Paris a thick volume on "*Institutions Complementary of the Prison System*,"* in which he devoted one of his seven chapters to what he called the "*Preparatory Discharge of Reformed Convicts*," and another to the "*Patronage of Discharged Prisoners*." These, the two final stages of the Irish System, may have been earlier advocated by some other writer, and they are implied in the theories of Maconochie; but, so far as we know, they were first developed as parts of a system by Marsangy. His work is scarcely known among us; but a later book of his, "*The Amelioration of the Criminal Law*,"† of which the second volume has appeared within the last year, has made him conspicuous among the writers on penal law. He has been consulted by the compilers of the new penal codes of Portugal, of Spain, and of Italy, and the impress of his opinions will be felt in those countries, as well as in his own, where some of the reforms which he has advocated seem now on the point of being carried. These opinions, so far as they relate to convicts, are thus stated in a recent letter of M. de Marsangy to the Board of Charities of Massachusetts:—

"During the forty-two years that I have been performing the duties

* *Traité des Diverses Institutions Complémentaires du Régime Pénitentiaire*. Paris, 1847.

† *De l'Amélioration de la Loi Criminelle en Vue d'une Justice plus prompte, plus efficace, plus généreuse, et plus moralisante*. Par Bonneville de Marsangy, Conseiller à la Cour Impériale de Paris, Officier de la Légion d'Honneur. Première Partie, Paris, 1855. Deuxième Partie, Paris, 1864.

of public office, or those of judge of assize courts, I have become persuaded, like my eminent friends, Messrs. Hill and Von Holtzendorff, that we cannot really reform malefactors and prevent relapses, except by a system at once reasonable and humane, of which the substance is as follows. It consists of, — 1st. Separate imprisonment for a limited time, employed as a means of expiation and of moral improvement; afterwards, according to circumstances, to enforce discipline; 2d. Associated labor in penitentiary establishments, either mechanical or rural, under a severe discipline, with the use of the mark system, but without exacting the cold and inhuman observance of silence; 3d. Intermediate prisons, such as exist in Ireland; 4th. Preparatory discharge of reformed convicts, with friendly supervision, protection, registered residence, and certainty of reimprisonment for bad conduct; 5th and lastly. The method of criminal registers, which I have commenced in France, for the exact and speedy identification of second offenders, — a method which permits the just application of the rigor of the law to every convict who, after a first imprisonment, ventures a new violation of social order.”

We will not say that all this is to be found in Marsangy's writings so early as 1847, but the germ of it all is there; nor does he seem to have had any special acquaintance with the experiments of Maconochie. In spite, however, of the completeness of this theory, there still lacked a practical test, on a large scale and for a period of years, of the views of Maconochie and Marsangy. It was the good fortune of an Englishman residing in Ireland to apply this test, with results of the most convincing nature.

Captain Walter Crofton — formerly a county magistrate in England — was in 1853 appointed on a commission to investigate the condition of the Irish prisons, which he found extremely bad. They were crowded with convicts of all ages, without classification or instruction, and under the charge of incompetent and drunken officers. The mortality among these prisoners was in some years eight per cent, and the expense of their maintenance was a heavy burden upon the treasury. To remedy these evils, the Irish Prisons Act was passed in 1854 (17 & 18 Victoria, chap. 76), repealing the former act (Geo. IV., chap. 74), and conferring extraordinary powers on a “Board of Directors of Convict Prisons for Ireland.” This was to consist of three members, appointed by the Lord Lieu-

tenant, with full power to make rules for all the prisons, and to contract for all necessary food and supplies. They had also the right of punishing breaches of discipline, and of acting with the power of justice of the peace inside the convict prisons. Prison officers were to be appointed and removed by the Lord Lieutenant.

Of this powerful Board, Captain Crofton was appointed chairman, and continued to hold the place for eight years. Within that time, under the administration of the Earl of Carlisle as Lord Lieutenant, and with his Lordship's hearty co-operation, Captain Crofton established what is now known all over the world as the *Irish Convict System*. We shall not attempt to give this system in detail, but shall content ourselves with a brief synopsis of its main features; referring the reader to the extended work of Miss Carpenter, and the briefer but more methodical treatises of Von Holtzendorff and Van der Brugghen, and to the lucid chapters which Marsangy has devoted to the subject.*

The general principles which govern the Irish Convict System are thus very briefly stated by Sir W. Crofton:—

“1. That convicts are better and more reliably trained in small numbers, and by their being made to feel, throughout their detention, that their advancement depends upon themselves, through the active exercise of qualities opposed to those which have led to their imprisonment.

“2. That the exhibition of the labor and training of the convicts in a more natural form, before their liberation, than is practicable in ordinary prisons, is a course obviously calculated to induce the public to assist in their absorption, and thereby to materially diminish the difficulties of the convict question.

“3. That the institution of appliances to render the criminal calling more hazardous will assuredly tend to the diminution of crime; and, therefore, that ‘police supervision,’ photography, and systematic communication with the governors of county gaols, with a view to bring, in all possible cases, former convictions against offenders, and entail lengthened sentences upon them, are matters of the gravest importance, and deserving of most minute attention.”

* See the last-cited work of Marsangy, Chap. V. The whole of this chapter treats of the Irish System, and is a good essay on the subject. Ducpétiaux's notice of the same system in 1861 is valuable as the testimony of an opponent. See *La Colonisation Pénale*, (3d Part,) page 37.

It would be scarcely possible to infer from this wherein the Irish System differs from others; nevertheless there is a very wide difference between it and that adopted about the same time in England, and recently modified by act of Parliament in 1864. Precisely what the machinery of the Irish prison is, will be seen by the following sketch of a convict's mode of life there. We copy from Miss Carpenter.

“FIRST STAGE.

“Separate imprisonment in a cellular prison at Mountjoy, Dublin, for the first eight or nine months of the sentence. Whether the period is eight or nine months, or even longer, depends upon the conduct of the convict. If his conduct is quite unexceptionable, he would be entitled to be removed to an associated prison (the second stage) in eight months.

“In Ireland it is the practice to make this stage very penal, both by a very reduced dietary during the first half of the period, — viz. four months, — and by the absence of interesting employment during the first three months. By the time the convict is required for hard work, in the second stage, the improved dietary in the latter portion of the period in separation will have rendered him physically equal to perform it; and by the end of three months of the first stage the idler will generally have learned to associate industry with pleasure.

“The convict learns something very material to his future well-being in the first stage, — he has the advantage of much time devoted to his religious and secular instruction.

“He learns the whole bearing of the Irish Convict System by means of a scholastic instruction, — that he can only reach the intermediate prisons (a special feature and a third stage in the system) through his own exertions, measured by marks in the second stage of the system. As the liberation of the convict within the period of his sentence depends upon the date of his admission to the intermediate or third stage of the system, it is manifestly to his own interest, as it is the interest of those placed over him, that he should be well informed upon this point. There is a strong mental impression made, consequent on this information.

“As the convict attains knowledge of the system, he feels that, within certain limits, he is made the arbiter of his own fate. Antagonism to the authority placed over him gradually disappears, and in its stead arises a conviction that there is a co-operation where he had formerly anticipated oppression.

"The first stage will have done good work, if it has succeeded in planting in the mind of the convict that there is an active co-operation existing between himself and those placed over him.

"At the end of eight or nine months, as the case may be, the convict is moved, if a laborer, to Spike Island Prison, to be employed on the fortifications; and if a tradesman, to Phillipstown,* to be employed at his trade.

"THE SECOND STAGE.

"The peculiar feature of the Irish Convict System in the second stage is the institution of marks to govern the classification. The mark system is a minute and intelligible monthly record of the power of the convict to govern himself; and very clearly realizes to his mind that his progress to liberty, within the period of his sentence, can only be furthered by the cultivation and application of qualities opposed to those which led to his conviction.

"There are different classes to be attained in the second stage, and a certain number of marks are required to be obtained by the convict before he can be promoted from one class to another.

"The maximum number of marks each convict can attain monthly is nine, which are distributed under three different headings; viz. three for discipline, i. e. general regularity and orderly demeanor; three for school, i. e. the attention and desire evinced for improvement or industry in school; and three for industry, i. e. industry at work, and not skill which may have been previously acquired.

"There are four classes in the second stage; viz. the third (in which the convict is placed on his arrival from the first stage), the second, first, and advanced, or A class.

"It will be possible for a convict to raise himself from the third to the second class in two months, by the acquisition of eighteen marks; from the second to the first in six months, if he has attained fifty-four marks in the second class; and from the first to the A, or advanced class, in twelve months, provided he has acquired one hundred and eight marks in the first class. When the convict has reached the A class, his progress is noted monthly, as A 1, A 2, &c. Misconduct causes reduction, suspension, or the loss of marks.

"When the convict attains the A class, he is employed (although still in the second stage of his detention) on special works, and kept apart from the other convicts. His school instruction and lectures take place in the evening.†

* Now closed.

† Mr. James P. Organ is the Prison Lecturer, — a man of unusual gifts for such a position.

“THE THIRD, OR INTERMEDIATE STAGE.

“In this stage there are no marks. The result of the self-discipline effected by their attainment is here to be tested before the liberation of the convict.

“‘Individualization’ is the ruling principle in these establishments; the number of inmates should, therefore, be small, and not exceed one hundred.

“The training is special, and the position of the convict made as natural as is possible; no more restraint is exercised over him than would be necessary to maintain order in any well-regulated establishment. At Lusk Common, within fifteen miles of Dublin, there has been, for the last five years and a half, an Intermediate Establishment for employing convicts in the reclamation of the land, and for carrying out principles which have proved so beneficial to themselves and to the public.

“The officers in the Intermediate Establishments work with the convicts.

“At Lusk there are only six, and they are unarmed. Physical restraint is therefore impossible; and, if possible, it would be out of place, and inconsistent with the principles which the establishments were instituted to enunciate.

“1st. You have to show the convict that you really trust him, and give him credit for the amendment he has illustrated by his marks.

“2d. You have to show to the public that the convict, who will soon be restored to liberty for weal or for woe, may upon reasonable grounds be considered as capable of being safely employed.”

As this stage of the system is peculiar to Ireland, not having been introduced in England by the act of 1864, and as it is the most important of the five stages, we shall pause here a moment to describe its active operation more fully. A careful writer in Thackeray’s *Cornhill Magazine* for 1861 thus introduces his account of the Irish System:—

“A few weeks since, I found myself, with two friends, traversing a newly reclaimed common, in an agricultural district some fifteen miles from Dublin. The spot has not quite lost its desolate aspect; although there is a public road through it, and a few buildings are in sight, there is still a broad expanse so devoid of any marked features, that guide-posts are necessary to point the way of the wandering laborer who desires to return home. The work is advancing under the vigorous industry of some fifty men who are employed on the estate, and who

may be seen on any working day of the week at their labors. They are convicts under sentence of penal servitude. Yes, that band of fifty men, clothed in the ordinary garb of rustic laborers, peacefully obeying the orders of two foremen, clothed not very unlike themselves, and working with them, are men whose crimes have subjected them to prison and to the discipline of a transient slavery. There are indeed no chains; there are no military guards, not even gaolers, to restrain them; no fences which they are not in the hourly habit of passing break the broad expanse of the common, with its widely separated guide-posts pointing the way to the huts which are the prisons of these men. This is the result of a system, which, with the erring man in the iron grip of the law, has subjected him to something stronger than manacles or lash."

Not long after the visit of this writer, four of the Visiting Justices of the Wakefield Prison in England saw and described the state of affairs at Lusk. They say:—

"Lusk is a village about twelve miles from Dublin. Powers were obtained by act of Parliament to enclose an open common there, previously occupied only by 'squatters.' Two huts of corrugated iron, each capable of holding fifty men, were erected at a cost of £320 apiece. A portion of each hut is partitioned off for a warder to sleep in, and the rest serves both as day-room and dormitory for the convicts. A cook-house and offices of the simplest possible character stand, with the huts, in an enclosure, bounded by a mud wall a yard high. A few cottages for warders, scattered about the common, complete the whole material of the 'prison.' All the usual features of a prison may be said — with something of the idiom of the country, though not without high English authority for the phrase — to be 'conspicuous by their absence.'

"As to the *personnel*, we found at the time of our visit about sixty convicts in charge of five warders.

"The obvious question to ask first is, Do not the prisoners often escape? Of more than a thousand men, we are told, who have passed through the prison, only two have attempted it.

"There is a military guard? No. There are police? The answer is instructive. When the establishment at Lusk was first proposed, the residents in the neighborhood were, not unnaturally, somewhat alarmed at the idea of having a number of thieves and burglars encamped in open quarters near them. To calm these apprehensions, it was proposed that the constabulary should have a station on the common. An iron hut, which had been erected elsewhere, was brought and set up for

the purpose. But no police ever came, for there has never been found the slightest need for them. We were assured by Mr. Cobbe, a magistrate having large property, and himself resident within a few miles, that so unexceptionable has been the conduct of the prisoners, that he has never heard any complaint whatever of misconduct on the part of the prisoners, either within the establishment or outside.

"Is, then, the non-escape of the prisoners owing to the place being made so comfortable for them that they have no wish to leave it? We certainly failed to find any evidence of such comfort. The men sleep in hammocks in the hut; and all that one can say is, that while they are inside it they have shelter, but the moment they leave it they are exposed to every wind of heaven, and to all the rain of that humid climate. In point of mere physical comfort, the advantage is altogether on the side of an ordinary prison, to say nothing of a well-warmed cell at Wakefield or Pentonville. We found most of the men, at the time of our visit, working up to the middle in drains, than which few employments conduce less to comfort. The diet is stated to be not more than the medical officers consider to be necessary for the maintenance of health, and fitness for the hard labor and exposure to which the men are subjected."

The Mr. Cobbe here mentioned is the brother of Miss Frances Power Cobbe, and lives on the paternal estate at Newbridge, where that lady was born. We have been informed by Miss Cobbe that the statement here made is in every respect true. That no change has taken place of late will appear from the following account of a visit to Lusk, made by Mr. M. D. Hill (well known as the Recorder of Birmingham, but living at Bristol), early in August last. We quote from his published Journal.

"August 6th. — Mr. Cobbe, of Newbridge House, a gentleman of high standing in the county of Dublin, whose estate and mansion are within three miles of Lusk, drove us this afternoon to the Intermediate Prison there. Being Sunday and wet, we found all the men (nearly fifty) in the largest of the two dwellings, reading, writing, etc.

"The chief officer, Mr. Gallagher, and the schoolmaster were absent, and their deputies seemed to be the only persons in charge of the prisoners. That the latter should be peaceably occupied, with neither warders, locks, nor walls to restrain them, was in itself a striking proof of the efficacy of the treatment they have undergone. Like the Smithfield men, they have almost invariably good countenances; indeed, it struck us that they were decidedly more intelligent and frank than

those of the average of men of the working class out of prison. Their reputation in the neighborhood corroborated these favorable impressions, none of the inhabitants having suffered the slightest loss or injury through the eight years of their sojourn. Mr. Cobbe assured us that all distrust of the Intermediate Prison, which was regarded at first with fear and dislike by the surrounding parishes, has long since passed away.

"In closing the interview, we told them that we were greatly pleased to hear of their good conduct, and to see how much they had improved the land round their station, which when we first came there, eight years ago, was but little advanced in its change from unreclaimed waste. Lusk Common is now almost all brought under cultivation, so that it will shortly be necessary to remove the men to some new spot. We reminded them how important their good behavior was to the improvement of prison discipline elsewhere, and what injury must be done by desertions. Escapes, indeed, have been very rare, — only six out of the fourteen hundred who have been brought to Lusk. We urged upon them, that not only should each remain and fulfil his duties, but that they should strive to prevent their fellows from deserting. This we found they do, for in cases of attempted escape the men have themselves pursued the delinquent.

"Mr. Cobbe, as well as ourselves, talked with the men, and in the cordial, friendly manner in which the Irish of very different social positions are happily accustomed to converse with each other; and we believe that on all sides our call was regarded as a very agreeable occurrence in the dull, rainy afternoon." — pp. 24–26.

THE FOURTH STAGE. TICKETS OF LEAVE.

Having passed through the sieve of the preparatory and of the intermediate prisons, the convicts come next to their conditional discharge, or "ticket of leave." This stage of probation is in use in England as well as in Ireland; but, for want of the prudent regulations of the Irish authorities, it has, in England, proved to be only partially successful. Miss Carpenter says: —

"This is the most critical period, and that which is the final and absolute test of the effects of the treatment they have received in the convict prisons on these persons who had been living a predatory and lawless life. We have seen that in England all real supervision of the convict ceases after he has left his place of confinement; while, theoretically, his release is conditional, practically he is nearly in the same position as if he had completed his sentence of punishment. In some

respects he is even more at liberty to commit crime, since, in the metropolis, the police have special orders not to exercise the same supervision over him as over suspicious characters in general. We know what the consequences of this procedure have been in England. In Ireland the same act of Parliament is in operation as in England.

“Every convict liberated receives a license indorsed with the same conditions which have been already stated (Vol. I. p. 187). These are in Ireland very stringently enforced,—a course which has proved to be most beneficial, both to the public and to the convicts. Attached to the license are appended in Ireland the following instructions to the convicts :—

“1. Each convict will report himself to the Constabulary Station of his locality on his arrival in the district, and subsequently on the first of each month.

“2. A convict must not change his locality without notifying to his Constabulary Station, in order that his registration may be changed to the locality to which he is about to proceed.

“3. An infringement of these rules by the convict will cause it to be assumed that he is leading an idle and irregular life, and thereby entail a revocation of his license.

*Chairman of Board of Directors, Government Prisons,
Office Dublin Castle.*

Constabulary Station at which to report himself.

“The system of photography, and the careful registration of every offence, makes it almost impossible for any convict at large to commit an offence without his being at once detected as an old offender, and receiving a sentence proportionally longer. Since the absolute certainty of a detection and punishment is the most reliable deterrent, the knowledge that crime is thus made a hazardous calling proves a very strong stimulant to the convicts to abandon it, and to lead a very different life.

“The supervision of convicts at large on ticket of leave is carried on in the country by the police. In Dublin there is a fortnightly visitation of the convicts by Mr. Organ, and a return made of their employment, conduct, etc. There are above one hundred and fifty so visited, many of them having been liberated from prison upwards of five years.”—Vol. II. pp. 94–96.

THE FIFTH AND LAST STAGE.

It is easy to see that the “ticket of leave” differs but little from a final discharge, since in the latter case the convicts are

still under the eyes of Mr. Organ, and of the police. This unconditional discharge, however, is the final stage in the Irish System, and without it emigration is not allowed to take place; while, after the unconditional discharge, the convict is encouraged to emigrate, and many actually do so.

In regard to the present working both of the "ticket of leave" and the patronage of convicts finally discharged, Mr. Hill, in his lately published Journal, gives some interesting particulars, derived from conversation with several employers of discharged convicts in and near Dublin. We quote the following passages from the pamphlet.*

"*August 4th* [1865].—Had an interview with three employers of convict labor, whose names and trades we omit to mention, not having asked permission to make them public. Mr. Organ was present.

"MR. X. (employer of indoor skilled labor).—I have had some of the prisoners for years past in my service. I first began to employ convicts six years ago. I have had seven in all, since that time,—four I have, and I have had three others, I think. I find them very useful men. One left me for misconduct. He went out with goods, was paid for them, and never made his appearance afterwards. The others all seemed to be very honest.

"MR. HILL.—Have you ever been robbed by workmen who have not been in the prison?

"MR. X.—Yes, a young man I had from very respectable friends. He had not been here a month before he began to rob me. I have mentioned a case of embezzlement; but I have not known a single instance of theft by discharged prisoners. I tried one or two new ones lately, but they could not stand the work. They came to me at nine shillings a week. Two now have fifteen shillings a week. One I had emigrated.

"MR. ORGAN.—He left his savings in the hands of Mr. X. till he had enough, and he then got married and went.

"MR. X.—As far as I have seen, the Irish System of treating criminals appears to be a good one. If I get a fresh man I watch him closely. On occasion of temporary absence from the town where I reside, I have trusted some of these men with the care of my dwelling-house. They go every night to sleep there. I have left my house three months at a time to their care. I should not have the slightest

* Journal of a Third Visit to the Convict Gaols, Refuges, and Reformatories of Dublin and its Neighborhood. By the Recorder of Birmingham and his Daughter. London: Longman, Brown, & Co. 1865. (A pamphlet of twenty-seven pages.)

objection to attend a meeting to give expression to my opinion on the employment of ex-convicts. The men who work for me and who are not discharged convicts are clannish, and hold together in a manner to give me trouble. The convicts do not join them in anything disagreeable to me. A. B., one of the discharged convicts, has been with me six years. When he came, the other men objected to him, not because he was a convict, (which was unknown to them,) but because he was unconnected with their trade. But I persevered, and gradually got other discharged men into my employ; and now, in one branch, I have no men brought up in the trade, and consequently none possessing the clannish feeling of which I have spoken. If the other workmen knew that ex-convicts were among them, the latter would have to quit.

“MR. Y. — I have employed discharged prisoners since 1857. I have had several, — four, I think. I never had occasion to dismiss any of them for misconduct. I have none with me now, this being the dull season. I shall begin again in September. The men in my dull season are employed by other masters, in building and various other works. I have found them trustworthy. I have trusted them with goods to the amount of twenty or thirty pounds. I never lost a shilling by them, and always found them very honest. If I lost my present discharged prisoners, I should go to Mr. Organ for more. I find them very easily managed and very temperate. One man saved money with me. He was very sober, and went to America. He is working at the same business in America as I carry on. He is receiving two dollars a day. I had a letter from him lately, and he told me he was getting that.

“MR. ORGAN. — The man himself, his brother, sister, sister-in-law, and his brother-in-law, were all convicts. The brother is now employing his own men. He was convicted of burglary. His character was ‘in crime from boyhood.’ The brother of the man first mentioned is engaged [in an honest trade]. He too was convicted of burglary, and his character was ‘in crime from boyhood.’ In fact, the whole family is saved.

“MR. Y. — There is no difficulty now in obtaining employment for men discharged from the Irish convict prisons. They never ask to have their wages raised. I have increased their wages without their asking. I took the man first mentioned at twelve shillings, and increased him to eighteen shillings a week.

“MR. Z. — I have employed Mr. Organ’s men for six years. I have found them behave well. I began with a few at first, to try my way with them. I began with about ten, chiefly skilled workmen.

“MR. ORGAN. — They were men that learnt what they knew of their trades in prison.

“MR. Z. — The men I then employed at twelve shillings a week are now getting twenty-four shillings. According as my business extended, I increased my number of his men. I have gone to Mr. Organ when he could not supply me with men enough.

“MR. ORGAN. — I have refused Mr. Z. twice lately.

“MR. Z. — At this very moment I am in want of men, and would take some of Mr. Organ's discharged prisoners.

“MR. ORGAN. — I have not a man to give any one.

“MR. HILL. — Mr. Z., tell me if you find any special fault in this class of men?

“MR. Z. — No; I find them more anxious to please than other men. They seem to be impressed with the importance of establishing a character. I employ some of them all the year round. I have had three of them as carters, confidential men, to attend on the horses, having command over the oats. I find them most temperate. The habits of the gaol stick by them. I find them respectful, and not disposed to be quarrelsome with the others. The men were suspected to have been in prison by the depressed manner in which they conducted themselves; but I bade them cheer up, and their quiet demeanor promptly made them favorites with their comrades. They soon disclosed their secret.

“MR. HILL to MR. Z. — Which would you prefer, a ticket-of-leave man, or a man finally discharged?

“MR. Z. — I would sooner have the ticket-of-leave man.

“MR. HILL. — Do you think a general feeling of confidence is growing up among employers towards ticket-of-leave men?

“MR. Z. — It is, indeed. I know myself fifty employers in the building trade, and railway contractors, who have some of these men in their service. I have been curious with regard to convicts. I have known them on various works at home and abroad.” — pp. 17–22.

These facts speak for themselves, and are among the many which attest the remarkable success of the Irish System. Precisely to what this success is due is not agreed upon; some ascribing it entirely to the system itself, some to accidental circumstances, and some giving a part of the credit to the system and a part to its accidents. M. Ducpétiaux of Brussels, the great champion of the Separate or Cellular System, said in 1861: “The Irish Convict System — applied with rare discretion and untiring zeal by the Board of Directors, whose chairman is Captain Crofton, and which counts among its agents teachers like Mr. Organ — *has in itself a value and efficacy which I am far from denying.* But these have been exagger-

ated, as I think, by those who ascribe to them the remarkable decrease of crimes and criminals for some years past." He adds, that the experience of the Irish System is still too recent to be thought decisive.

What this "remarkable decrease" was may be seen by the following table, which we take from the last Report of the Directors, of whom Captain Whitty is now the chairman, Sir Walter Crofton having resigned in 1862:—

In custody in Government Prisons, January 1st.	Year.	Convicted.	Number Discharged.
3,933	1854	710	658
3,427	1855	518	820
3,209	1856	389	1,107
2,614	1857	426	910
2,277	1858	358	946
1,773	1859	322	595
1,631	1860	331	524
1,492	1861	368	561
1,314	1862	592	317
1,575	1863	511	326
1,768	1864	407	391
1,776	1865	- -	- -

In respect to this decrease, Captain Whitty, in a letter to the Massachusetts Board of Charities, under date of October 25, 1865, says:—

"The reduction in the number of convicts in the Irish prisons is not likely to continue, because the late act of Parliament on penal servitude abolished the sentences of three and four years, and consequently the numbers must in future accumulate in a corresponding proportion; but the number of convictions continues to decrease, as shown on page 6 of the last Annual Report of the Directors.

"It does not appear to the Directors that it would be practicable with certainty to trace this reduction to reformatory prison process, except of course in the portion of the population who may have been subjected to such process. With respect to that class, they do consider that the result may so be traced,—although an important portion of the Irish Convict System purposely tends to prevent relapsed criminals from escaping detection and reconviction with severe sentences."

This seems to us to be the true mode of viewing the reduction in the number of criminals. Of the reformatory effect of

the system in special cases, there can be no reasonable doubt. With regard to the economy of the system, as compared with the English, or the former Irish system, there is also no doubt; but most of our American prisons cost less than those of Ireland. The average cost of each convict above his earnings in Ireland, in 1864, was £ 12 17s. 11*d.* or about \$64.50 in our gold currency, — say \$95 in our present money. The average cost of each convict at Charlestown, in 1864, was \$72.70 above his earnings; at the Eastern Penitentiary in Philadelphia, it was about \$99.50; at the Western Penitentiary in Pittsburg, about \$78. The cost in the English prisons is from £5 to £15 more per annum than in the Irish prisons.

Of the numerous Parliamentary Commissions which have investigated the prison question in Great Britain, the latest, and in some respects the most important, is that which reported in 1863. After a full examination of the Irish System, the majority of the Commission reported in favor of its main provisions, omitting, however, the Intermediate Prison. In 1864 an act of Parliament substantially in accord with the Report was passed, and is now in operation in England, with results thus far favorable. An approximation to the Irish System is also in use in Saxony, in the Grand-Duchy of Oldenburg, and perhaps in other Continental countries of Europe. In France, Italy, Spain, Portugal, and Holland it is under discussion, with a prospect of being partially adopted; in Prussia and Belgium it also finds able advocates.

On the continent of Europe, however, as we have said, the Separate or Cellular System has obtained a firm hold in many countries, and is warmly upheld by official and private persons. In France, where it was for a time the government system, it has received some severe checks; — first, from the circular of the Minister of the Interior in 1853, practically disowning the system; and, second, from the efforts of Jules Simon and his supporters, followed, in the past year, by the investigations of the Empress and the Imperial Commission into the actual condition of the cellular prisons. The juvenile prison of La Roquette came particularly under the inspection of the Empress; and the result has been its discontinuance, and the distribution of its hundreds of inmates among the moral Reform Schools

(*Colonies Agricoles*) of the Empire. The Imperial Commission is still in session, and will probably proceed farther in repudiating the Separate System.

So far as we have information, the governments of Sweden, Denmark, Holland, Prussia, Belgium, and many of the smaller states and districts of Europe, are still committed to the Separate System; although in none of these countries does it exist unmixed with the Congregate System. As compared with the Auburn System, it has practically triumphed throughout a great part of Europe; although the latter does not lack zealous advocates in France and elsewhere. The most formidable rival of both is the Irish System, which, as we have seen, is now the established policy of Great Britain. In France it is advocated by Bonneville de Marsangy and his son of the same name, by Davésiès de Pontés, and by others; in Germany it has received the adhesion of Mittermaier of Heidelberg, long a champion of the Separate System, and the enthusiastic praise of Holtzendorff of Berlin. In Holland, until his death, its chief advocate was M. Van der Brugghen, formerly Minister of Justice there; it now receives the substantial support of Grevelink, the head of the Prison Bureau, and of Dr. Eyssel, a jurist of some eminence. In Belgium, M. Casier, a magistrate of Antwerp, defends the Irish System against the weighty assault of Ducpétiaux, the ablest and most impartial of all the friends of the Separate System.

The triumph of the Irish System in England, however, will greatly promote its extension on the Continent; and to this victory, next to Maconochie, Hill, and Crofton, Miss Carpenter has most contributed. Devoting herself for years to the reformation of children, she has, in connection with this noble work, given her attention to the adult prisons, particularly those for women. Her contributions to the *Social Science Transactions* have been numerous, and she has also published many tracts bearing on her chosen topics. But her great work is that which we have named at the head of this article. It is a thorough exhibition of the state of the English and Irish prisons, and, in the words of Lord Brougham at Sheffield, "contains the fullest account of the whole subject." Its value cannot be sufficiently illustrated in a brief review, but will be felt by all

who investigate the subject. It lacks methodical arrangement, and that indispensable aid, an index ; but this can be supplied in a second edition. We are glad to see that Mr. Spencer has republished it.

Among us, the discussion of the new prison system has scarcely begun ; but it is destined to become general, as we think. A synopsis of the Irish System was laid before the Massachusetts Legislature by Governor Andrew, in March last, included in the Special Report of the Board of Charities. We learn that the subject will be again brought forward the present winter, and an earnest effort made to secure the best features of the Irish method for the improvement of our own very defective prisons.

In New York the Prison Association is preparing an elaborate Report on the Prisons of the United States, in which, it is expected, the need of a reform will be vigorously presented. In Pennsylvania, the ancient Society for the Alleviation of the Miseries of the Public Prisons has been exploring the horrors of the county jails, and setting forth the claims of humanity in that State. In Ohio a movement of reform has begun ; in St. Louis, Dr. Eliot, in a spirited pamphlet, has shown the shameful condition of the prisons there ; and, everywhere, the rapidly organizing Associations for promoting Social Science are taking up, among other matters, the subject of prison discipline.

It behooves every philanthropist, therefore, to give some attention to a question which has been too long neglected. Now that our prisons are filling up at an enormous rate of increase, and drawing into their fatal contamination thousands of returned soldiers and neglected children, it is the duty of every community to take serious thought for the welfare of these persons, remembering how and by whom it was said, "*Inasmuch as ye did it not to one of the least of these, ye did it not to me.*"